Saint Paul Planning Commission City Hall Conference Center 15 Kellogg Boulevard West

Minutes May 21, 2010

A meeting of the Planning Commission of the City of Saint Paul was held Friday, May 21, 2010, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Mmes. Donnelly-Cohen, Halverson, Merrigan, Thao, Wencl, Young; and **Present:**

Messrs. Alton, Commers, Connolly, Fernandez, Gelgelu, Goodlow, Kramer,

Schertler, Spaulding, and Ward.

Commissioners Absent:

Mmes. *Porter, *Smitten, and Messrs. *Nelson, *Wickiser.

*Excused

Also Present: Donna Drummond, Planning Director; Patricia James, Penelope Simison, Luis

Pereira, Anton Jerve, Emily Goodman, and Sonja Butler, Department of Planning

and Economic Development staff.

I. Approval of minutes May 7, 2010.

MOTION: Commissioner Kramer moved approval of the minutes of May 7, 2010. Commissioner Commers seconded the motion. The motion carried unanimously on a voice vote.

II. Chair's Announcements

Chair Donnelly-Cohen announced there would be a meeting next week to review applicants for the new Transportation Committee. She will be announcing appointments sometime in June.

III. **Planning Director's Announcements**

Donna Drummond announced the appointment of Jun-Li Wang to the Planning Commission to fill the seat of Michael Margulies. She will be sworn in at the June 4th meeting. The parking code amendments at the City Council were laid over at the May 12th meeting for 30 days. There were concerns about the requirements for bar and restaurant uses. The Council also considered an appeal of the Planning Commission's approval of a permit for transitional housing at 1116 Pacific Street. The City Council granted the appeal upon a legal opinion that the use was not transitional housing, but was in fact a rooming house, which is not permitted in single family zoning districts.

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. (Tom Beach, 651/266-9086)

Three items will come before the staff Site Plan Review Committee on May 26, 2010. They are: Shamrock Parking Lot at 670 Juno, new remote parking lot with 11 parking spaces; Student Center for Hamline University at NE corner of Snelling and Englewood, new student center with underground parking; Planned Parenthood of Minnesota and North Dakota at 675 Vandalia, clinic, offices and parking ramp.

NEW BUSINESS

#10-125-508 Enterprise – Conditional Use Permit for outdoor auto rental. 605 Como Avenue, SE corner at Front Street. (*Emily Goodman*, 651/266-6551)

<u>MOTION</u>: Commissioner Kramer moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.

#10-307-471 Enterprise - Variance of setback along parkway for new building and one row of parking (25 ft. required, 0 ft. proposed for building and 4 ft. proposed for parking). 597 Como Avenue, SE corner at Front. (Emily Goodman, 651/266-6551)

<u>MOTION</u>: Commissioner Kramer moved the Zoning Committee's recommendation to approve the variance subject to additional condition. The motion carried unanimously on a voice vote.

#10-308-035 Best Pawn – Conditional Use Permit for outdoor auto and commercial sales and revisions to 2008 conditional use permit regarding hours of operation and site plan. 525 7th Street East, NE corner at Kittson. (*Emily Goodman*, 651/266

<u>MOTION</u>: Commissioner Kramer moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.

#10-307-305 Petro Plus Twin Cities – Conditional Use Permit for auto specialty store. 414 7th Street West, SE corner at McBoal. (*Emily Goodman*, 651/266-6551)

Commissioner Alton said that he voted in opposition to deny at the Zoning Committee meeting. He felt that the staff report recommending approval was accurate and the conditions had been met and is a permitted use in a B2 zone with a conditional use permit. This is one of those cases where an applicant for a conditional use permit comes in and satisfies the conditions, and having looked at it very closely we should then grant the application.

Commissioner Kramer said the recommendation of the Zoning Committee is based upon the substantial testimony of neighbors, not about issues extraneous to the zoning code, but specifically related to finding 2(b), which talks about a need for a 10-foot buffer between any property line and existing residential property. And it is very clear that this is not met. There wasn't even an attempt by the applicant to put in any sort of buffer or fence. He simply did not

want to do that and it is an existing building and causes some issues, and that is a substantial reason for the committee's denial.

Commissioner Spaulding said looking on page 17 there is a photo that shows the proposed Firestone facility and how close that is to the adjoining residences. He was struggling with this as he heard others trying to find what exactly would be the bases to deny or not. But in the end the lack of a 10-foot buffer is a substantive reason given the construction of the building and the proposed interior uses, which would emit some noise. He concurred with Commissioner Kramer's assessment.

Commissioner Ward disagreed with those comments and agreed with Commissioner Alton in his analysis of the findings.

Commissioner Merrigan asked staff how the condition regarding the buffer could be met as stated in the staff report.

Emily Goodman, PED staff, pulled out the site plan. She thought the building on the site plan was five feet from the property line on the side in question. One of the options with a conditional use is that you can modify the use if there is a compelling reason. It was staff's opinion that through site plan review that could be corrected. The goal is to meet the intent of the code and it was staff's opinion that the intent of the condition could be met through site plan review. Staff did not choose to state it as a modification of the conditions, but it could have been an option in the way the staff report was drafted, to formalize that technically it could not precisely be met, but the intent of the code could still be met.

Commissioner Schertler said when these types of cases come forward the staff uses it's professional judgment in applying the rules. Regarding the Zoning Committee's changes to the findings is there concern about the application of the rules in the future, that we are creating some grey area here that is going to be difficult in future cases to apply the rules?

Ms. Goodman said to some extent she is concerned. Just thinking about this buffer question for example, for as long as she has been drafting staff reports, we consider what the rules are, what the limitations of the site are, and what a reasonable interpretation of the code is based on the limitations of the site. In this case they are trying to re-use an existing building which the City is trying to encourage. It is encouraged from a sustainability perspective and from other perspectives. If they cannot physically meet the requirements because of the constraints of the site, but there would be a reasonable way to meet the intent of the code, but they can't meet the strict requirements, she would be concerned if we could no longer exercise that judgment.

Commissioner Merrigan said that she voted for this motion at the Zoning Committee but she is now starting to have some doubts and one reason is that if they apply the standard then nothing can go into this building because it will never meet the 10-foot buffer requirement.

Commissioner Kramer added that the 10-foot buffer only applies to automotive uses; it does not apply to any of the multitude of other uses allowed in the B2 zoning district.

<u>MOTION</u>: Commissioner Kramer moved the Zoning Committee's recommendation to deny the conditional use permit.

Patricia James, PED staff, said that the applicant has agreed to put together a site plan that would try to address the buffer issue if the commission is willing to do that. In that case it would have to go back to the Zoning Committee, but she is not sure if that is a significant enough change that it would require re-opening the public hearing. Alternatively, the Planning Commission could lay it over and review at their next meeting.

Commissioner Merrigan said that she is in favor of the idea to lay this over, because she would like to consider if the intent of the 10-foot buffer can be met. Seeing what could be planned for that buffer that might allow the Planning Commission to evaluate a little more carefully the concerns of the neighborhood against the rules on a piece of paper to determine help with the judgment calls that are inevitable regarding a building that already exist.

<u>MOTION</u>: Commissioner Alton moved to lay this case over and refer it back to the Zoning Committee. Commissioner Ward seconded the motion. The motion carried on a voice vote of 14-2 (Wencl, Kramer).

#10-310-741 Shinbay Yang/Staci Vang – Re-establishment of nonconforming use as a duplex. 1648 Bush Avenue between Kennard and German. (*Luis Pereira*, 651/266-6591)

Commissioner Thao said she understands that the lack of parking is the only reason for the staff's recommendation of denial of the application according to the guidelines. Is that correct?

Commissioner Kramer said they did talk about that at the Zoning Committee meeting and parking was one of the reasons. The property has no real alley access to the yard which means parking cannot be provided. But from the front curb line, there is a curb cut so you may go along side of the house. However, the back of the house has a porch that protrudes out into the rest of the driveway area. So if the curb is ripped out then you could have one parking space between the two houses at that location.

Commissioner Young said that it appears that there is a driveway but that driveway cannot be counted as a parking space because parking is not allowed in the front yard. So, what counts as the front yard?

Luis Pereira, PED staff said that the design standards zoning amendments that were approved recently clarified that for residential uses there should not be parking in the front yard. Although it does say parking is allowed if the driveway in the front yard leads to a legal parking space. The driveway does not lead to a legal parking space in this case.

<u>MOTION</u>: Commissioner Kramer moved the Zoning Committee's recommendation to deny the re- establishment of nonconforming use status. The motion carried unanimously on a voice vote.

#10-130-112 Clearwire – Conditional Use Permit for wireless communications antenna on a residential structure less than 60 feet high. 633 Robert Street South between King and Baker. (Sarah Zorn, 651/266-6570)

<u>MOTION</u>: Commissioner Kramer moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried 12-2(Merrigan, Spaulding) with 2 abstentions (Donnelly-Cohen, Alton) on a voice vote.

#10-128-635 Clearwire – Conditional Use Permit for wireless communications antenna on a residential structure less than 60 feet high. 50 Cretin Avenue South, SE corner at Grand. (Sarah Zorn, 651/266-6570)

<u>MOTION</u>: Commissioner Kramer moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried 12-2(Merrigan, Spaulding) with 2 abstentions (Donnelly-Cohen, Alton) on a voice vote.

Commissioner Kramer announced the items on the agenda for the next Zoning Committee meeting on Thursday, May 27, 2010.

V. Comprehensive Planning Committee

<u>Geographic Information Systems (GIS) Official Zoning Map Study</u> – Recommendation to release for public review and schedule a public hearing for July 2, 2010. (*Anton Jerve*, 651/266-6567)

Anton Jerve, PED staff used the internet to present an overview of the new GIS zoning maps and showed where these new maps could be found under Current Activities on the City's Planning web page. Under the digital zoning maps there is a link to the current black and white maps. The current legally adopted maps are in paper form located on the 14th floor of the Department of Planning and Economic Development. They are updated by hand and some of them have faded with time. The new GIS based maps can be seen online, which makes these maps more user friendly. It will allow for customizing zoning maps, eliminates the need for copying changes by hand, and improves legibility of printing out the current scanned version. The map has been uploaded on the GISmo page, the City's interactive mapping web site. Another useful function is that you can overlay the original plat map over the zoning. This has been very useful on the staff level.

Commissioner Schertler asked if this links to the county's property identification system, so could you call up all of the nonconforming uses, for example?

Donna Drummond said that we could do a separate specialize mapping exercise to search for types of uses or properties that have a certain characteristic, but GISmo would not be able to call up all those types of zoning cases or uses. Mr. Jerve added that staff would work with Ramsey County to try to get the zoning map added to their GIS website which would help that type of search.

Mr. Jerve said throughout the course of this work, staff found eleven needed corrections. A handful of corrections were based on discovering split zones. When that occurred staff recommended making the whole parcel the least restrictive zoning of the two. The most substantial difference is the zoning districts in that with the paper map, zoning lines followed railroad center lines rather than parcel lines. Railroads are not rights-of-way; they are parcels and for mapping purposes it is easier to follow the parcel line as opposed to the imaginary center line.

Commissioner Ward asked if there are internal uses that would allow more analysis, giving staff tools the public would not have. Staff would be able to look up a specific nonconforming use application and that particular application would not be available to the public?

Mr. Jerve said that the research function of GIS would be at a staff level. There is software that allows for that kind of analysis that would not be available to the general public. The image that the public would see is a static zoning map that they can search, but they could not analyze the background data. The database characteristics of the map would only be accessible to staff to allow for research.

<u>MOTION</u>: On behalf of the Comprehensive Planning Committee, Commissioner Commers moved to release the draft for public review and set a public hearing on July 2, 2010. The motion carried unanimously on a voice vote.

VI. Neighborhood Planning Committee

<u>West Midway Study</u> – Approve resolution initiating a study and forming the West Midway Study Task Force. (*Penelope Simison*, 651/266-654)

Commissioner Halverson asked about the make up of the task force, concerned if there had been any consideration of putting a representative from the labor community on the task force. While working with the community around Central Corridor, there have been questions about how to get work force trained to meet the needs for bringing in new business, especially how to get people who live in the neighborhood trained.

Penelope Simison PED staff, said that there will be six community people on the task force, four from District 12, one from District 11 and one from District 13. But she is not sure if any of those are in the construction trades. What is anticipated is that workforce issues will be addressed during the course of the task force meetings.

<u>MOTION</u>: Commissioner Wencl moved the Neighborhood Planning Committee's recommendation to approve the resolution initiating a study and forming the West Midway Task Force.

<u>AMENDMENT TO MOTION</u>: Commissioner Halverson moved to amend the main motion and include a representative from labor on the task force. Commissioner Young seconded the motion. The motion carried unanimously on a voice vote.

The main motion carried unanimously on a voice vote.

VII. Communications Committee

No report.

VIII. Task Force Reports

Commissioner Thao announced that the Hamline, Western, Victoria Steering Committee met and they were presented with the first draft of the plans and the committee will be underway in the

IX.	Old Business	
	None.	
Χ.	New Business	
	None.	
XI.	Adjournment	
	Meeting adjourned at 9:51 a.m.	
Sonja Planni	ded and prepared by Butler, Planning Commission Secretary ing and Economic Development Department, f Saint Paul	
Respectfully submitted,		Approved
		(Date)
Donna Drummond Planning Director		Marilyn Porter Secretary of the Planning Commission
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next couple of weeks to review the drafts for all three stations.